

Bardstown Road Farmers' Market, Inc
(Revisions for 2004 season in italics)

Guidelines/By-laws

Name

The name of the market is Bardstown Road Farmers' Market, Inc and is a non-profit cooperative registered in the Commonwealth of Kentucky.

Location

Bardstown Road Farmers' Market, Inc. meets in the parking lot of the Bardstown Road Presbyterian Church at 1722 Bardstown Road on Thursday evenings and Saturday mornings.

Purpose

To provide an opportunity for local agricultural producers to market high quality products directly to the consumer.

Vendor Membership

Membership is available to those farmers actively engaged in the production of regionally grown products, whether on a full or part-time basis. Such membership entitles the producer to sell at all market days. Members and directors must reside in Kentucky or southern Indiana south of Columbus, Indiana.

Groups and cooperatives will be excluded from membership in the market.

Policy regarding requests of groups to distribute political/religious information/literature

Only groups promoting public safety or public health issues will be allowed to distribute information and only after board approval. The board will review requests and make final decisions on what groups will be allowed to distribute information. Individual full members may distribute information, but only from their own booth. We agree that the Bardstown Road Presbyterian Church will be allowed to distribute literature regarding their church.

200⁵ Festival Dates and Names

April 17 th 16	Official Opening Day
May 8 th 14 th	Mother's Day Festival
June 19 th 18 th	Father's Day Festival
July 17 th 16 th	Summer Harvest Day Festival
August 14 th 20 th	Late Summer Festival
Sept. 11 th 17 th	Garlic Festival
Oct. 16 th 22 nd	Fall Harvest Day Festival

Board may consider additional harvest day in November at a later date.

Vendor Fees

Membership fee: \$100.00 for the season. Vendors may make payment in full at the time of application, and no later than April 1st, of the current market year, or they may have the option of paying a \$50.00 deposit upon membership application and no later than April 1, of the current market year with the balance of \$50.00 due no later than June 1, of the current market year. In addition, a per vendor participation fee, not to exceed \$5.00 daily, will be collected each day a vendor is in attendance. Failure to make payment in full by June 1, of the current market year, will result in termination of membership in the market and will mean forfeiture of any deposit made. Future membership for those vendors whose memberships have been terminated for failure to pay their fees in full will be required to make full payment of any previous balance due before their application will be considered.

All fees collected will be used for market expenses, ie. payroll for market manager, advertising, postage, insurance, and office supplies etc.

Membership Privileges

Only one representative per membership, in good standing, is entitled to vote on issues and guidelines changes at the annual business meeting of the market members regardless of the number of spaces they might occupy.

Advance notice of discussion and votes will be made to all members.

Market-related issues shall be decided by simple majority vote of those present at the annual meeting. Types of issues requiring a vote will include changing the sales periods or location, electing officers, setting fees, making major purchases for the benefit of the market and other issues as determined by the market membership.

Changes to the guidelines shall be decided by simple majority vote at the annual business meeting. Members are encouraged to attend board meetings. However, participation in discussions for non-board members will be limited to presentation of agenda items as a member of a committee. Suggestions/comments may be presented in writing for their consideration at announced scheduled board meetings.

Grievances

Grievances for any market matter should be submitted in writing on provided grievance form to any board member. Board will respond to the grievance within one week.

Member Duties

Members are individually responsible to pay state taxes, local sales taxes, business fees (as applicable) and any other applicable fees, pay membership fees by the stated deadline, set up for market no more than 30 minutes prior to the opening of the market.

If a vendor misses 4 consecutive Saturday markets after his/her first appearance at the market they will be contacted by the market manager and put on notice that their space might be resold. The original fee is nonrefundable.

Penalties for non-compliance of market rules

The following non-compliance rules and penalties were voted on at our annual meeting:

1st offense: Member will receive a written warning from the market board

2nd offense: Member will receive suspension from selling at the farmers' market for one week.

3rd offense: Member will be terminated as a market member.

In addition, if a member goes two (2) years in a row with 2 offenses per year, the board will evaluate the vendor membership.

New Vendors

To qualify as a Bardstown Road Farmers' Market, Inc. vendor a producer must make application to the market treasurer. Acceptance as a market vendor will be determined by payment of membership fees, on-going compliance with market guidelines and availability of vendor space. An orientation meeting for new members may be required.

Officers

Officers shall be elected at the market's annual business meeting and shall serve a one-year term. *Any person running for office must be present at the annual meeting to accept the nomination.* New officers shall be prepared to assume the responsibilities of the office at the close of the annual meeting. Only one representative per farm/vendor will be allowed a position on the board of directors. A minimum of two-thirds of all Board members will make up a quorum for the regular transaction of market business.

President: Presides over the annual business meeting and other board meetings, develops and distributes an organized agenda, appoints committees and conducts votes as needed.

Secretary: Maintains up-to-date guidelines, membership roster, and minutes of meetings.

Treasurer: Collects fees, pays bills, keeps financial records and membership applications. Copies of any such reports are available to any full member by request.

Positions can be combined and all officers may appoint a proxy as needed.

The market Board of Directors is comprised of the president, secretary, treasurer, who will be elected each year at the annual meeting, and six additional members of the market to make a total of nine board members. Of these six additional board members, three will be elected each year to serve two year terms. This board is empowered to make executive decisions on behalf of the market between annual meetings. Meetings of the board are open to all members in good standing. A current list of the market Board of Directors will be furnished.

Market Manager

A non-board position of market manager will be appointed by the board and answer directly to the board. The market manager is an employee position not necessarily a market member. Duties are: point of contact for the market, collect data and fees as prescribed by the board, document grievances by vendor or consumer, determine that all market rules are being followed, and other duties as may be requested by the board.

Vendor Space

Membership entitles each vendor to one (1) parking space in the parking lot: A parking space may not be shared with another vendor. The membership committee will be responsible for assigning spaces, with final approval by the Board. Priority on space assignments will be based on seniority and attendance at the market.

Vehicles used by the vendor for the sale of produce and other farm-based items must fit within the confines of a single parking space. Vehicles used in the lot should be of an appropriate size; vehicles deemed too long or large for the market will be prohibited. Trailers and other attached means of conveyance cannot extend beyond the length of the parking space.

A second space may be purchased by a member only if attendance at the market the previous season was 75% or better. A second space must be purchased, in full, by the annual application deadline of April 1st, and must accompany the first membership application. A maximum of ten double spaces can be sold in a season.

Given the potential traffic hazard posed by late vendor arrivals, vendors may forfeit their designated space and be moved to an undesignated space if they fail to arrive at the market by market opening. Space for members will be guaranteed, though vendor placement for late arrivals will be at the discretion of the market manager.

Due to limited parking space on the church parking lot, vehicles associated with market vendors or their employees and not being used for sale of produce or other farm-based products must be parked off the church parking lot.

Each vendor is responsible for policing trash and litter surrounding his or her own space. At the request of the host church, no items of straw, hay, corn shocks or similar items will be permitted on the premises either for display or sale.

Products Sold

The following items can be sold at Bardstown Road Farmers' Market, Inc. assuming the products have been produced on regional farms (meaning any farm in Kentucky or southern Indiana north to Columbus): vegetables, eggs, herbs, fruit, bedding plants, Christmas trees, ornamental produce, potted plants, cut flowers, plant arrangements, and firewood. Products not listed must receive clearance from the market Board of Directors before sale.

Assuming that vendors have complied with all applicable state and local regulations, the following value-added products may be sold: baked goods, canned goods, preserves, honey, sorghum, maple syrup, cider, meats, dairy products, bottled products, and other farm-based craft products. (See paragraph below regarding resale of value-added products).

No live animals may be sold at the market, though vendors may use live animals for entertainment purposes as long as such display is possible without harm to the animals and the vendor provides for the thorough cleaning of the parking space before departure.

Members must be growing or producing an agricultural product as the majority of the product they bring to the market. New applicants must meet this requirement unless otherwise recommended by the board and approved by the membership.

Vendors may resell certain items, but on any given day, resale items cannot exceed 49% of a vendor's product. Value-added items cannot be resold; the only exception is if one member is reselling a value-added product for another member. Items being resold must be labelled as described by the board. Resale items must be purchased directly from the producer, and must be produced within Kentucky or southern Indiana south of Columbus. Resale of items purchased through a local wholesale produce business is not acceptable.

Inspections

A one-time mandatory inspection will be done on each member's property by the newly formed inspection committee. The committee is broken down into two groups, one for Kentucky and one for Indiana.

Upon request by any full member or members, enforcement of the "locally grown" policy covering all market vendors will result in an announced additional on-site visits to the farm in question by two people, consisting of at least one inspection committee member and one other market member.

Certification or permits

Vendors must comply with all applicable local, state and federal regulations. Vendors must submit copies of any applicable certification or permits (commercial kitchen and/or food handlers permits, organic certification, KY sales and use tax permit, etc...) to the market treasurer before their first day of sale. Anyone selling items without proper paperwork will be asked to remove those items from their display and cannot sell them until they provide the paperwork. There will be no exceptions.

Information on approval seal on weighing devices, pesticide applicators permits, organic certification on claimed products, and any other food safety, sanitation, health permits and labeling as required for value-added products is available upon request to the market manager.

A new house bill (HB 391) was passed in March, 2003 that allows for the selling of home processed goods to be sold at farmers' markets, certified roadside stands, and farmers' on

farm processing operations. A food handler's license obtained through a course (yet to be created) through UK Extension Services will be required. **The board has made the decision that, at BRFM, we will maintain our current policy on certified kitchens, requiring you to provide a current state general manufacturer's license. In the event, that the course is created, you may be required to obtain a food handler's license in addition to your state certification.**

Electric Usage Policy

- 1) All cables or cords used by vendors should be at least 12 gauge and rated for outside use. Cords may run across parking lot at the narrow end of lot, but only if cords are run through a commercial grade cable/cord guard which prevents customers from tripping over the cord. Each vendor who uses the electric service is responsible for purchasing and maintaining their own cords, cables, guards, and appliances.
- 2) When vendors use the electricity they will pay \$2.00 per day for the service, in addition to their daily participation fee. Restaurants' electric will be included in their daily fee listed below.
- 3) A reasonable fee of \$100.00 per month, not to exceed \$800.00 per year, will be paid to the church for the electrical usage and to compensate the church for the market's use of the restrooms and storage facilities by Bardstown Road Farmers' Market, Inc.
- 4) This agreement put into effect in 2002, gives us a 5 year partnership between the BRFM, Inc. and Bardstown Road Presbyterian Church with regards to the use of the church lot and its facilities.

Visiting Restaurant Policy

- 1) Visiting restaurants will be invited six (6) times during the market season, or once a month, May – October.
- 2) Only one restaurant will be allowed on any given day.
- 3) Each restaurant will be allowed only one appearance during the annual season.
- 4) Restaurants will be charged a \$20.00 fee payable no later than two (2) weeks prior to setup date. (Electric, if needed, is included in this fee.
- 5) Restaurants will be required to feature dishes that include "local area, in-season produce".
- 6) Restaurants will be chosen from a preferred list decided on by the restaurant committee on a first-come, first-serve basis.
- 7) The restaurant committee will solicit restaurants to sign up early for the month of their choice. The date they choose will be on a first-come, first-serve basis. The date may not necessarily be a festival day.
- 8) The market manager will contact the restaurant two (2) weeks prior to setup date as a reminder and communicate to all members the dishes the restaurant will be serving.
- 9) If a restaurant does not show up they will be removed from the preferred list, will forfeit their \$20 fee, and will not be asked back.

- 10) Restaurants will be given a flyer with a list of producers interested in selling produce to them. These same producers will be given the names and dates of visiting restaurants. It will be the responsibility of each individual vendor and restaurant to contact each other to make arrangements of sale, i.e. items, price, pickup arrangements. The market itself, will not be involved in this in any other way. Interested producers will need to sign up at the beginning of the season to be put on a list so that we may furnish this to the restaurants. The restaurant committee will be responsible for this list and will be the point of contact.
- 11) Restaurants will not be required to purchase vendors' products, but they will be encouraged to do so.
- 12) Restaurants will be required to be setup and ready to sell by 9:00 a.m. They must stay until 11:30 a.m. They can stay later, if they wish.

Committees

A list of committees and committee members will be included with the membership directory.

Pricing

Prices should be based on the cost of production. Prices should reflect the quality and freshness of the product. Vendors are asked to be fair and equitable in their pricing.

Termination of the Market

Termination of the market will be determined by the market Board of Directors as deemed necessary. Upon dissolution of the corporation any balance left in the market bank account will be donated to a selected charity.